P. 9

9

Par. Ch. Bar
Plus

His Majesties ANSWER,

BY WAY OF

DECLARATION

TO a PRINTED PAPER,

ENTITULED,

A Declaration of both Houses of Parliament, in Answer to His Majesties last Message concerning the *Militia*.

Published by His Majesties Command.

NATIONAL LIBRARY OF SCOTLAND

LONDON:
Printed by ROBERT BARKER, Printer to the Kings most Excellent Majestie: And by the Assignes of JOHN BILL. 1642.


DIEV ET MON DROIT

His Majesties Answer, by way of Declaration, to a Printed Paper, intituled, *A Declaration of both Houses of Parliament, in Answer to His Majesties last Message concerning the* Militia.

WE very well understand how much it is below the high and Royall dignity (wherein God hath placed Us) to take notice, much more to trouble Our Self with answering those many scandalous, seditious Pamphlets and Printed Papers, which are scattered with such great Licence throwout the Kingdom (notwithstanding Our earnest desire, so often in vain pressed for a Reformation) though We finde it evident, That the mindes of many of Our weak Subjects have been, and still are poisoned by those means, and that so generall a Terrour hath possessed the mindes and heart of all men, that whiles the Presses swarm (and every day produceth new Tracts against the established Government of the Church and State) most men want the Courage or the Conscience to write, or the opportunity and incouragement to publish such composed sober Animadversions, as might either preserve the mindes of Our good Subjects from such Infection, or restore and recover them when they are so infected: But We are contented to let Our Self fall to any Office that may undeceive Our People, and to take more pains this way by Our own Pen, then ever King hath done, when We finde any thing that seems to carry the reputation and authority of either, or both Houses of Parliament, and will not have the same refuted or disputed by common and vulgar Pens, till We are thoroughly informed, whether those Acts have in truth that Countenance and Warrant they pretend. Which regard of Ours We doubt not but in time will recover that due reverence (the absence whereof We have too much reason to complain) to Our Person and Our Messages, which in all ages hath been paid (and no doubt is due) to the Crown of *England*.

We have therefore taken notice of a Printed Paper, intituled, *A Declaration of both Houses of Parliament*, in Answer to Our last Message concerning the *Militia*, published by command; The which We are unwilling to beleeve (both for the Matter of it, the Expressions in it, and the Manner of publishing it) can result from the consent of both Houses; Neither do We know by what

lawfull command ſuch uncomely, irreverent mention of Us can be publiſhed to the wo ld. And though Decla ations of this kinde have of late (with too much boldneſſe) broken in upon Us and the whole Kingdom, when one, or both Houſes have thought fit to communicate their Counſels and Reſolutions to the People, yet We are unwilli g to beleeve, that ſuch a Decla ation as this, ſhould be publiſhed in Anſwer to Our Meſſage, without vouchſafing at leaſt to ſ nd it to Us as th ir Anſwer; Their buſineſſe for which they are met by Our writ and Authority, being to Counſell Us for the good of Our People, not to write ag inſt Us to Our People, and no conſent of Ours for their long continuing together, inabling them to do any thing, but what they were firſt ſummoned by Our Writ to do. At leaſt We will beleeve, though miſunderſtanding and Jealouſie (the Juſtice of God will overtake the Fomenters of that Jealouſie, and the Promoters and Contrivers of that miſunderſtanding) might produce (to ſay no worſe) thoſe very untoward Expreſſions, that if thoſe Houſes had contrived that Declaration, as an Anſwer to Our Meſſage, they would have vouchſafed ſome Anſwer to the Queſti n propoſed in Ou s, which We profeſſed, did and muſt evidently prevail over Our underſtanding; and in their wiſdom and gravity they would have been ſure to have ſtated the m..tters of Fact, as (at leaſt to ordinary underſtandings) might be unqueſtionable; Neither of which is done by t at Declaration.

We deſire to know why We were by that Act abſolutely excluded from any Power or Au hority in the execution of the *Militia*, and We muſt appeal to all the world, wheth r ſuch an attempt be not a greater and juſter ground for Fear and Jealouſie in Us, then any one that is avowed for thoſe diſtructive Fears and Jealouſies, wh ch are ſo publikely owned, almoſt to the ruine of the Kingdom. But We have been told that We muſt not be jealous of Our great Councell of both Houſes of Parliament. We are no, no m re then they are of U their King, and hitherto they have not avowed any jealouſie of, or diſaffection to Our Perſon; imputed all to Our evill Counſellers, to a Malignant party that are not of their mindes: So We do (and We do it from Our ſoul) profeſſe no Jealouſie of Our Parliamen, but of ſome turbulent, ſeditious, and ambitious Natures, which (being not ſo cl erly diſcerned) may have an influence even upon the Actions of both Houſes; And if this Declaration hath paſſed by ſuch conſent (which We are not willing to beleeve) it is not impoſſible but that the apprehenſion of ſuch Tumults, which have driven Us from

our

our City of *London* for the safety of Our Person, may make such an impression in other men (not able to remove from the danger) to make them consent, or not to own a dissent in matters not agreeable to their conscience or understanding.

We mentioned in that Our Answer Our dislike of the putting of their names out of the Bill whom before they recommended to Us in their pretended Ordinance, and the leaving out by speciall Provision the present Lord Major of *London*, to all which the Declaration affords no Answer, and therefore We cannot suppose it was intended for an Answer to that Our Message, which whosoever looks upon, will finde to be in no degree answered by that Declaration.

But it informs all Our Subjects, after the mention with what humility the Ordinance was prepared and presented to Us (a matter very evident in the Petitions and Messages concerning it) and Our refusall to give Our consent, notwithstanding the severall reasons offered of the necessity thereof, for the securing of Our Person, and the Peace and Safety of Our People (whether any such Reasons were given, the weight of them, and whether they were not clearly and candidly answered by Us, the world will easily judge) that they were at last necessitated to make an Ordinance by Authority of both Houses, to settle the *Militia*, warranted thereunto by the Fundamentall Laws of the Land: But if that Declaration had indeed intended to have answered Us, it would have told Our good Subjects what those Fundamentall Laws of the Land are, and where to be found; And would at last have mentioned one Ordinance from the first beginning of Parliaments to this present Parliament, which endeavoured to impose any thing upon the Subject without the Kings consent; for of such, all the inquiry We can make could never produce Us one instance. And if there be such a secret of the Law, which hath lain hid from the beginning of the world to this time, and now is discovered to take away the just Legall Power of the King; We wish there be not some other secret (to be discovered when they please) for the ruine and destruction of the Liberty of the Subject: For no doubt, if the Votes of both Houses have any such Authority to make a new Law, it hath the same Authority to repeal the old, and then what will become of the long established Rights and Liberties of the King and Subject, and particularly of *Magna Charta*, will be easily discerned by the most ordinary understanding.

It is true, We did (out of the tenderness of the Constitution of

the Kingdom, and care of the Law, which We are bound to defend, and being most assured of the unjustifiablenesse of the pretended Ordinance) invite and desire both Our Houses of Parliament to settle whatsoever should be fit of that nature, by Act of Parliament; But were We therefore obliged to passe whatsoever should be brought to Us of that kinde? We did stay in Our Answer to the Petition of both Houses, presented to Us at *York* the 26 of *March* last (and We have said the same in other Messages before) that We always thought it necessary the Businesse of the *Militia* should be setled, and that We never denied the thing, onely denied the way, and We say the same still, since the many Disputes, and Votes upon Lords Lieutenant, and their Commissions) which were begun by Us, or Our Father) had so discountenanced that Authority, which for many yeers together was happily looked upon with Reverence and Obedience by the People; We did, and do think it very necessary, that some wholesome Law be provided for that Businesse; but we declared in Our Answer to the pretended Ordinance, We expected that that necessary Power should be first Invested in Us, before We consented to transfer it to other men: Neither could it ever be imagined, that We would consent that a greater Power should be in the hands of a Subject, then We were thought worthy to be trusted with Our self; And if it shall not be thought fit to make a new Act, or Declaration in this point, We doubt not but We shall be able to grant such Commissions, which shall very Legally enable those We trust to do all Offices for the Peace and Quiet of the Kingdom, if any Disturbance shall happen.

But that Declaration saith, We were pleased to offer them a Bill ready drawn; and that they (to expresse their earnest zeal to correspond with Our desire) did passe that Bill, yet all that expression of Affection & Loyaltie, all that earnest desire of theirs to comply with Us, produced no better effect then an absolute deniall, even of what by Our former Messages (as that Declaration conceives) We had promised; and so proceeds (under the pretence of mentioning evill and wicked Counsel) to censure and reproach Us in a Dialect, that We are confident Our good Subjects will read with much indignation on Our behalf. But sure if that Declaration had passed the Examination of both Houses of Parliament, they would never have affirmed that the Bill We refused to passe, was the same We sent to them, or have thought that Our Message, wherein the difference and contrarietie between the two Bils is so particularly set down, would

be

be anſwered with the bare averring them to be one and the ſame Bill; No more would they have declared (when Our Exceptions to the Ordinance, and the Bill are ſo notoriouſly known to all Our people) that care being taken to give ſatisfaction in all the particulars We had excepted againſt in the Ordinance, We had found new exceptions to the Bill; And yet this very Declaration confeſſes, that Our exception to the Ordinance was, that in the diſpoſing and execution thereof We were excluded. And was not this an expreſſe reaſon in Our Anſwer for Our refuſall of the Bill which this Declaration will needs confute? But the power was no other then to ſuppreſſe Rebellion, Inſurrection, and forreigne Invaſion, and the Perſons truſted no other then ſuch as were nominated by the great Councell of the Kingdom, and aſſented to by Us; and that Declaration asks if that be too great a Power to truſt theſe perſons with? Indeed while ſo great liberty is uſed in Voting and Declaring men to be Enemies to the Common-wealth (an Engliſh phraſe We ſcarcely underſtand) and in cenſuring men for their ſervice and attendance upon Our Perſon, and in Our lawfull Commands, great heed muſt be taken into what hands We commit ſuch a Power to ſuppreſſe Inſurrection and Rebellion. And if Inſurrection and Rebellion have found other definitions then what the Law hath given them, We muſt be ſure that no lawfull Power ſhall juſtifie thoſe definitions; And if there be Learning found out to make Sir *Iohn Hotham's* taking Arms againſt Us, and keeping Our Town and Fort from Us, no Treaſon or Rebellion, We know not whether a new diſcovery may not finde it Rebellion in Us, to defend Our ſelf from ſuch Arms, & to endeavour to recover what is ſo taken from Us: and therefore it concerns Us (till the known Law of the Land be allowed to be Judge between Us) to take heed into what hands We commit ſuch Power: Beſides, can it be thought, that becauſe We are willing to truſt certain perſons, that We are obliged to truſt them in whatſoever they are willing to be truſted? We ſay, no private hands are fit for ſuch a Truſt, neither have We departed from any thing (in the leaſt degree) We offered or promiſed before, though We might with as much reaſon have withdrawn Our Truſt from ſome Perſons We before had accepted, as they did from others whom they recommended. For the Power which We are charged to have committed to particular Perſons, for the ſpace of fifteen yeers by Our Commiſſions of Lieutenancy, it is notoriouſly known, that it was not a Power created by Us, but continued very many yeers, and in the moſt happy

times

times this Kingdom hath enjoyed (even thoſe of Our renowned Predeceſſours Queen *Elizabeth*, and Our father of happy memory) and what ever Authority was granted by thoſe Commiſſions which were kept in the old forms, the ſame was determinable at Our pleaſure, and We know not that they produced any of th ſe Calamities which might give Our good Subjects cauſe to be ſo weary of them, as to run the hazard of ſo much miſchief as that Bill We refuſed might poſsibly have produced.

For the Preſidents of former ages in the Commiſſions of Arra', We doubt not but when any ſuch have iſſued out, that the Ki gs conſent was alwayes obteined, and the Commiſſions determinable at His pleaſure, and th n what the extent of power was, wi l be nothing applicable to this Caſe of the Ordinance.

But whether that Declaration hath refuted Our Reaſons for Our refuſall to paſſe the Bill or no, it hath reſolved and required all Perſons in authority thereby to put the Ordinance in preſent execution, and all others to obey it according to the fundamentall Lawes of the Land But We whom God hath truſted to maintain and defend thoſe fundamentall Lawes (which We hope He will bleſſe to ſecure Us) do declare that there is no legall power in either or both Houſes, upon any pretence whatſoever, without Our conſent, to command any part of the *Militia* of this Kingdom, nor hath the like ever been commanded by either or both Houſes ſince the firſt foundation of the Laws of this Land; and that the execution of, or the obedience to that pretended Ordinance, is againſt the fundamentall Laws of the Land, againſt the liberty of the Subject, and the right of Parliaments, and a high crime in any that ſhall henceforth execute the ſame. And We do therefore charge and command all Our loving Subjects, of what degree or quality ſoever, upon their Allegiance, and as they tender the peace of this Kingdom, from henceforth not to Muſter, Leavie or Array, or ſummon or warn any of Our Trained Bands, to Riſe, Muſter or March by vertue or under Colour of that pretended Ordinance: And to this Declaration and command of Our s, We expect and require a full ſubmiſsion and obedience from all Our loving Subjects upon their Allegiance, as they will anſwer the contrary at their perils, and as they tender the upholding of the true Prot: ſtant profeſſion, the ſafety of Our Perſon, and Our Royall Poſterity, the Peace and Being of this Kingdom.

FINIS.